

Summary

Recidivism during and after supervision by the Probation and Parole Service

During supervision, offenders must comply with conditions as part of (conditional) criminal justice interventions or sanctions (e.g., conditional suspension of pre-trial detention, conditional dismissal, suspended sentences, or parole). In the Netherlands, three Parole and Probation Service organizations (abbreviated as 3RO) are responsible for supervising adult offenders, meaning they both monitor offenders and aid them in their rehabilitation and reintegration.

All supervised offenders are subject to several general conditions: they must not take part in any criminal activity during the period of supervision, and they should cooperate with and report to the 3RO. Furthermore, other conditions may be imposed, such as abstaining from alcohol or prohibited substances; restraining orders; avoiding contact with victims or (ex-)offenders; paying restitution; attending work, classes, or treatment programs; and other restrictions that promote rehabilitation and minimize recidivism. The 3RO determines the level of supervision according to the offender's estimated risk of recidivism (level 1 is the least intensive level of supervision with three face-to-face contacts within 90 days, and level 3 is the most intensive with 12 face-to-face contacts within 90 days).

Since 2014, the Research and Documentation Centre (WODC) monitors (the development of) recidivism of offenders who were supervised. Until now, the focus was solely on offenses committed *after* supervision. However, reoffending can also happen during supervision. There are different expectations about the likelihood of recidivism during and after supervision.

Deterrence theory suggests that risk of recidivism may be lower during the period of supervision. Namely, various means of control (such as electronic monitoring devices or substance-use tests) are available to increase the (perceived) probability of discovering criminal behavior. Moreover, subsequent sanctions are expected to be more severe, as engaging in criminal behavior during supervision may cause an immediate return to prison, in addition to sanctions for the new offense. Contrasting deterrence theory, rehabilitation theories suggest that minimizing criminogenic risks and behaviors reduces recidivism during *and* after supervision. Yet, the so-called 'surveillance' paradox may diminish or nullify any positive effects of supervision on recidivism. That is, when under supervision, monitoring is frequent and intense, leading to more likely discoveries of (minor) criminal behavior.

In the current study, we examined recidivism both during and after supervision, with recidivism being 'a subsequent offense leading to criminal prosecution'. Furthermore, we paid particular attention to specific characteristics of supervision and its correlation with recidivism during and after probation. These characteristics include intensity, length, special conditions, and imposed participation of interventions and community service.

The following research questions were answered:

- 1 What are the characteristics of supervision starting in 2013?

- 2 To what extent do supervised offenders recidivate during and after probation?
 - a To what extent does general or very serious crime occur during and after the period of supervision?
 - b What types of crime are committed during and after supervision?
 - c How does the risk of general or very serious crime develop during and after supervision?
 - d Does the risk of general or very serious crime after supervision increase when such crimes also took place during supervision?
- 3 To what extent do characteristics of supervision correlate with the occurrence of general recidivism during and after supervision?

Method

The research group consists of all offenders who were supervised by the 3RO since 2013. To answer our research questions, we combined several data sources from different organizations. First, two types of data from the 3RO were used in the present study: data on supervision assignments (including start and end date of supervision and degree of completion) and production files in which the number of days a person spent under supervision levels one, two or three was monitored per month. Second, registration files of the Dutch Custodial Agency were used to determine who was detained for a period of time and who stayed in intramural facilities for forensic care. Third, data from the Research and Policy Database Judicial Documentation (OBJD) were used. The OBJD is a pseudonymous version of the Judicial Documentation System (JDS), the legal registration system for criminal cases. The current study used data from the OBJD through June 2019.

In line with the standard method of the Dutch Recidivism Monitor, recidivism was operationalized as a new criminal case that has irrevocably ended in a court order or has been settled by the Public Prosecution Service, as well as cases that have not yet been (irrevocably) ended or settled. Two reconviction categories were examined: general reconviction (including all crimes that lead to a reconviction) and very serious reconviction (i.e., conviction based on a law article with treat of a custodial sentence of eight years or more). We used multistate survival analysis to examine the prevalence and timing of crimes that led to a reconviction both during and after the period of supervision. Finally, Cox regression analysis was used to determine the relationship between several characteristics of supervision (i.e., length of supervision, level of supervision, simultaneous execution of supervision and community service or participation in a criminal justice behavioral intervention, and special conditions) and general recidivism during and after supervision.

Results

In 2013, 10,779 offenders started with their supervision period. The majority of offenders (84%) was supervised only once during the observation period (2013-2017), 14% had two separate supervision periods, and almost 2% had more than two separate supervision periods within the observation period. The most important findings of the study are described below.

Characteristics of supervision

- The gross duration of the supervision was on average almost 21 months and the net duration was 19 months (the gross duration is the difference between the start and end date of supervision; for the net duration interim detentions and other periods in which no supervision has been declared have been deducted from the gross duration). Almost one third of the supervision periods had a gross duration of less than one year.
- In 75% of the supervision periods, special conditions, besides regularly reporting to a probation/parole officer, were imposed. Compulsory treatment (72%), participation in a behavioral intervention (20%), avoiding contact with other individuals (17%) and abstaining from alcohol or prohibited substances (15%) were regularly imposed special conditions.
- During one third of the supervision periods, offenders were simultaneously supervised and had to execute community service. In 13% of the supervision periods, the supervised offender participated in a behavioral intervention.
- In a large part of the supervision periods, offenders were confronted with supervision level 2 (90%). In almost half of the supervision periods level 1 was applied (46%). Supervision level 3 was quite rare. In only 16% of the supervision periods the most intensive level of supervision was applied. The course of supervision levels over time shows that the majority of offenders started with level 2 (80%). The level of supervision was gradually scaled down after the start of supervision.

Recidivism in general

- Four years after the start of supervision, there is a 51% chance that a person has committed an offense (which has resulted in a criminal case) during or after supervision,
- Both during and after supervision, the type of offense of the recidivism was usually a property crime without violence or a violent crime.
- The average risk of recidivism is higher during supervision compared with after supervision.
- The risk of a first reconviction as a result of a crime committed during supervision is highest right after the start of the period of supervision, and gradually diminishes during the supervision period. Likewise, the risk of recidivism after the period of supervision is highest just after the transition to freedom (i.e., not being supervised nor being incapacitated).
- The risk of recidivism after supervision is higher for those who recidivated during supervision.

Very serious recidivism

- Four years after the start of supervision, there is a 7% chance that a person has committed a very serious offense (which has resulted in a criminal case) during or after supervision.
- The first case of very serious recidivism during supervision was relatively often a property crime with violence. After supervision, the first case of very serious recidivism was relatively often a drug-related offence or a property crime without violence.
- The average risk of very serious recidivism is higher during the period of supervision compared with the period after supervision.
- The risk of very serious recidivism is quite stable during the observation period.

Correlation characteristics of supervision and recidivism during supervision

- While controlling for various demographic and criminal career characteristics, the analysis showed that:
 - the recidivism risk is lower during supervision level 1 compared with supervision levels 2 and 3;
 - a decrease of the supervision level is related to a lower risk of recidivism during supervision;
 - until the first year after the start of the supervision period, a restraining order is related with a higher recidivism risk. After the first year, a restraining order correlates with a lower risk of recidivism;
 - during the period in which one is prohibited to have contact with certain individuals, the recidivism risk is lower;
 - in the first year after the start of the supervision period, an alcohol and/or drugs prohibition is related with a lower risk of recidivism;
 - after the first year of the supervision period, the risk of recidivism is lower during the period of compulsory treatment.

Correlation characteristics of supervision and recidivism after supervision

- While controlling for various demographic and criminal career characteristics, the analysis showed that:
 - recidivism during supervision correlates with a higher risk of recidivism after supervision;
 - not completing the supervision period due to a negative reason (for instance because one does not comply with the conditions imposed) is related to a higher risk of recidivism after the period of supervision compared with completing the supervision period. Not completing the supervision period due to a positive reason (i.e., supervision is not deemed necessary any more) is related to a lower risk of recidivism after the period of supervision compared with completing the supervision period;
 - longer periods of supervision correlate with a lower risk of recidivism after the period of supervision. However, additional analyses indicate that a longer duration only reduces recidivism for people who did not recidivate during the period of supervision and who completed the supervision period.
- Imposing a behavioral intervention or restraining order during the period of supervision might correlate indirectly with a lower risk of recidivism after the period of supervision through the direct relationship of these measures with the probability of completing supervision or recidivism during supervision.

Limitations

The current study has several limitations which are important for the interpretation of the results. First, the amount of recidivism is underestimated as the present study uses data from the judicial documentation system. This means that only offences that are detected by the police, and are prosecuted by the Public Prosecution Service, are included in this study. Second, with the multistate model we used in this study we were only able to identify the risk of the first offence that lead to a reconviction. As such, we do not know how the risk of subsequent reconvictions develops. Third, we were not able to include information about (temporary) relocations outside the Netherlands. As we only have access to data containing reconvictions in the Netherlands, this might have biased the results. Fourth, it was not possible to include information about all potentially important characteristics of supervision. For instance, it was not known whether or not electronic monitoring, or

drug and/or alcohol testing, was applied, and a complete overview of used risk assessments was missing. Fifth, although the multivariate analysis adjusted for various background characteristics, it is possible that people differ on characteristics not included in this study, such as motivation, commitment to treatment, or willingness to adhere to conditions imposed.

Conclusions and future research

The current study is the first study that examined recidivism both during and after supervision in the Netherlands. Several findings are particularly relevant for policy makers and the 3RO:

- Both during and after supervision, (very serious) offenses were committed that end in a criminal case, but the risk of (very serious) recidivism was higher during supervision than after supervision. This may indicate that supervision has contributed to rehabilitation and emphasizes the importance of guidance during the supervision period. It is, however, also possible that the surveillance paradox influences the results of this study. Because of increased surveillance by the police during the supervision period, the probability of detecting offenses may increase. This may also be the reason why the recidivism risk, as measured in the current study, was higher during supervision than after supervision.
- The least intensive level of supervision and a (prior) decrease of the level of supervision, was associated with a lower risk of recidivism during supervision. This indicates that the 3RO recognizes people with a low risk of recidivism, and is able to determine for whom the level of supervision can be scaled down. This is important because one should not overdo guidance or surveillance.
- A longer period of supervision was associated with a lower risk of recidivism after the period of supervision. However, this association was only found for people who did not recidivate during the period of supervision and who completed the supervision period. Therefore, it seems that a longer duration of supervision (and thus a longer period of guidance and treatment) can only reduce recidivism for a "positive" selection of the supervised offenders.
- Certain special conditions (contact order, treatment obligation, alcohol and/or drugs prohibition) were associated with a lower risk of recidivism during supervision. Yet, these conditions were not (directly) associated with recidivism after supervision. Thus, the combination of monitoring and guidance associated with imposed special conditions appears to reduce recidivism only during the period of supervision.
- Participation in a behavioral intervention during supervision was not found to be directly associated with a lower risk of recidivism during or after supervision. Prior research on a frequently used behavioral intervention, the CoVa-training, showed similar results. Therefore, policy makers and the 3RO should continue to question whether behavioral interventions executed during supervision can lead to a reduction in recidivism. This could for example, be done by conducting (additional) research into the implementation and effectiveness of specific behavioral interventions.

The results of the current study lead to a number of ideas for future research. First of all, the current study revealed a group of high risk offenders recidivating both during and after the supervision period. In our opinion it is relevant to consider the correlation between recidivism during and after supervision and *dynamic* characteristics of this group, such as psychosocial problems, and problems with regard to employment and income. Second, though it was not possible to include information about electronic control in the current study, this will be possible in future research

thanks to the availability of (quantitative) data on the use of electronic control since August 2014. Both for policy makers and the 3RO it is relevant to gain knowledge about the potential effectiveness of electronic monitoring during and after supervision. Finally, we recommend that follow-up research should focus more on individual offender groups that are homogeneous in terms of background characteristics. This makes it clear for whom (a certain form of) supervision is associated with recidivism during or after supervision.